

Central Intelligence Agency



Washington, D C 20505

OCA 87-3111
22 July 1987

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, DC 20503


Dear Mr. Frey:

Enclosed are letters to Representative Jack Brooks and to Representative Robert A. Roe expressing the views of the Central Intelligence Agency on H.R. 1615, a bill to establish the Government Information Agency.

Your advice is requested as to whether there is any objection to the submission of these letters from the standpoint of the President's program.

Sincerely,

SIGNED





Deputy Director for Legislation
Office of Congressional Affairs

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Enclosures

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Central Intelligence Agency



Washington, D.C. 20505

The Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Central Intelligence Agency hereby provides its comments on H.R. 1615, which is a bill to establish the Government Information Agency (GIA). For the reasons stated below, the Agency opposes enactment of this legislation.

The bill requires each Federal agency to provide to the GIA information it has developed or received in connection with its research, development or analysis. While it exempts classified information, it does not exclude information which is sensitive although not currently classified. Providing such information to the GIA would disclose, for example, information which may have been acquired from classified sources, but which is in and of itself unclassified. It may reveal information which is individually unclassified, but the systematic disclosure of which would reveal intelligence interests. The disclosure of information which may appear innocuous to the untrained eye, therefore, may cause damage to the national security.

Thus, this bill would require the Agency to classify a larger amount of information than is currently classified. Its effects would be to decrease the information available to the public and to inhibit dissemination within the Government. Another related adverse consequence would be the increased costs associated with the secure storage of a larger volume of classified information.

While the bill exempts from the definition of "Government information" information provided by a contractor in connection with a contract, including but not limited to information which constitutes a trade secret, the bill nonetheless may decrease the information available to this Agency or other Government agencies for use in internal studies or reports. Much valuable information (e.g., proprietary information and copyrighted information) is provided to the Agency for use in studies or reports either free of charge or based on a fee for limited dissemination within the Government. If the Agency is required to provide such reports or studies to GIA, we believe our sources of information may decrease and, consequently, the finished product might suffer.

This bill does not address the difficult issue raised with respect to the pervasive role that sensitive but unclassified information plays in the manner in which the Agency fulfills its mission. Accordingly, unless the Agency is exempted from H.R. 1615, it must oppose this bill. Because the Agency sometimes shares its information with other Government agencies, we believe the bill should state that other agencies may not provide information originating from the Central Intelligence Agency without first coordinating with the Agency even though the Agency is accorded an exemption.

We appreciate the opportunity to present our views on this legislation. We assure you that the Agency will continue its efforts to distribute information to the maximum extent possible consistent with its mission and with the requirements of national security. The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

~~SECRET~~ (NOTE: NOT EXCLUDED)

David D. Gries
Director of Congressional Affairs

cc: The Honorable Robert A. Roe

Central Intelligence Agency



Washington, D. C. 20505

The Honorable Robert A. Roe
Chairman
Committee on Science, Space
and Technology
House of Representatives
Washington, DC 20515

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NOT SIGNED

David D. Gries
Director of Congressional Affairs

cc: The Honorable Jack Brooks